

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

**In re:**

**W.R. GRACE & CO., et al.,**

**Debtors.**

**Chapter 11**

**Case No. 01-01139 (JKF)**

**(Jointly Administered)**

**Related Dkt. Nos. 12022, 12379, 12896,  
13019, 13421, 13509, 15690, 18883, 19223  
and 19256**

**NINTH SUPPLEMENTAL DECLARATION UNDER  
FED. R. BANKR. P. 2014 AND 5002 IN SUPPORT OF APPLICATION  
FOR AN ORDER AUTHORIZING RETENTION AND EMPLOYMENT OF  
ORRICK, HERRINGTON & SUTCLIFFE LLP AS BANKRUPTCY COUNSEL  
TO DAVID T. AUSTERN AS FUTURE CLAIMANTS' REPRESENTATIVE**

I, RICHARD H. WYRON, state:

1. I am a partner in the law firm of Orrick, Herrington & Sutcliffe LLP ("Orrick"), and maintain an office for the practice of law at The Columbia Center, 1152 15th Street, N.W., Washington, D.C. 20005. I am admitted to practice law before the Bars of the District of Columbia and the State of Maryland, and am authorized to execute this Ninth Supplemental Declaration on behalf of Orrick. Orrick is bankruptcy counsel to David T. Austern, the Future Claimants' Representative appointed by the Court in the above-captioned cases (the "FCR"), pursuant to an Order entered on May 8, 2006, which authorizes Orrick's employment effective as of February 6, 2006.

2. On March 9, 2006, Roger Frankel of Orrick submitted his declaration pursuant to Rules 2014 and 5002 of the Federal Rules of Bankruptcy Procedure (the "Rules") in support of the Application of the FCR seeking the entry of an Order authorizing the retention and employment of Orrick as his bankruptcy counsel (the "Application") (Dkt. No. 12022). Supplemental declarations were submitted in support of the Application on August 1, 2006 (Dkt. No. 12896), August 21, 2006 (Dkt. No. 13019), October 18, 2006 (Dkt. No. 13421), October 27,

2006 (Dkt. No. 13509), May 18, 2007 (Dkt. No. 15690), June 9, 2008 (Dkt. No. 18883), August 4, 2008 (Dkt. No. 19223), and September 11, 2008 (Dkt. No. 19256).

3. Except as is otherwise provided below, the facts set forth in this declaration are based upon my personal knowledge, upon records maintained by Orrick in the ordinary course of its business, which have been reviewed by me and/or by other partners or employees of Orrick at my direction, or upon information known by other partners or employees of Orrick and conveyed to me.

4. I make this Ninth Supplemental Declaration out of an abundance of caution, and not because I believe the matters set forth herein are within the scope of Rules 2014 or 5002.

5. James Burke joined Orrick on September 22, 2008 as an associate in the Creditors' Rights and Bankruptcy Group in the Washington D.C. office. In the summer of 2006, Mr. Burke was employed as a summer law clerk at Bilzin Sumberg Baena Price & Axelrod LLP ("Bilzin"), after his first year of law school. In that capacity, Mr. Burke performed research on certain specific issues for attorneys at Bilzin in connection with their representation of the Official Committee of Property Damage Claimants.

6. Orrick has concluded that no conflict exists between Mr. Burke's work as an associate at Orrick on matters in these cases which are not the same as or substantially related to the matter on which he worked as a summer law clerk at Bilzin.

7. Orrick will use reasonable efforts to identify any additional relevant fact or relationship not previously disclosed. If any such fact or relationship is discovered, Orrick will, as soon as reasonably practicable, file additional supplemental declarations with the Court.

\* \* \* \* \*

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

/S/ RICHARD H. WYRON  
Richard H. Wyron

Executed on September 25, 2008